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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ISRAEL ORNELAS,

12 Defendant.
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Case No. 17-cv-2410-JAH; 13-cr-3313-JAH

**ORDER DENYING MOTION FOR
RECONSIDERATION; FINDING
WAIVER OF THE ATTORNEY
CLIENT PRIVILEGE; CONTINUING
DATE FOR UNITED STATES'
RESPONSE TO DEFENDANT'S
MOTION TO VACATE JUDGMENT
PURSUANT TO 18 U.S.C. § 2255**

17 Upon motion of the UNITED STATES OF AMERICA and good cause appearing
18 therefore,

19 IT IS HEREBY ORDERED that pursuant to Fed. R. Evid. 502(a) by filing a
20 declaration disclosing the communications with former counsel Marc Geller, and his
21 associate at the time Sammer Zakhour, in support of his motion Motion to Vacate Judgment
22 Pursuant to 18 U.S.C. § 2255 (Dk. No. 263 in 13-cr-3313-JAH, Dk. No. 1 in 17-cv-2410-
23 JAH) (Defendant's Motion), Defendant has waived the attorney client privilege between he
24 and Mr. Geller and Mr. Zakhour on the subject matter of plea negotiations and sentencing
25 as set forth in defendant's declaration. Defendant's motion for reconsideration of the
26 Court's order finding waiver is **DENIED**.

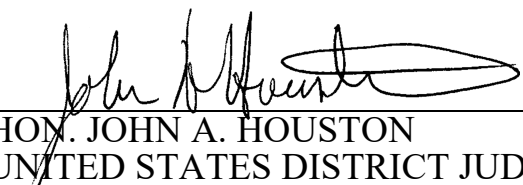
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1 IT IS FURTHER ORDERED that the United States deadline to respond to
2 Defendant's Motion shall be continued from February 4, 2019, to **March 22, 2019**, to allow
3 the Government counsel time to complete its interview of Mr. Geller and Mr. Zakhour and
4 to incorporate such information into its response to Defendant's Motion.

5 IT IS FURTHER ORDERED Petitioner may file a reply no later than **April 12, 2019**.

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7 DATED: January 28, 2019

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12 HON. JOHN A. HOUSTON
13 UNITED STATES DISTRICT JUDGE
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